

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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BRIAN SCOTT FOSTER,

Plaintiff,

Case No. 1:07-cv-950

v.

Honorable Wendell A. Miles

MARY BERGHUIS et al.,

Defendants.

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**JUDGMENT**

In accordance with the Opinion filed this date:

**IT IS HEREBY ORDERED** that Plaintiff's action be **DISMISSED** with prejudice

for failure to state a claim pursuant to 28 U.S.C. § 1915A(b).

For the same reasons that the Court dismisses the action, the Court discerns no good-faith basis for an appeal. *See* 28 U.S.C. § 1915(a)(3); *McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997).

Dated: November 29, 2007

/s/ Wendell A. Miles  
Wendell A. Miles  
Senior United States District Judge